

7. The apparatus of claim 6 wherein the plurality of panels are attached to the vertical members using a plurality of fasteners securing each panel to each vertical member.

b5 Subc 19. (Once Amended) The apparatus of claim 1 wherein the plurality of load points are arranged in a pattern.

10. The apparatus of claim 9 wherein the pattern of load points includes one or more linear patterns.

11. The apparatus of claim 9 wherein the pattern of load points includes two or more parallel linear patterns.

R E M A R K S

Referring to the Office Action mailed August 16, 2002, applicants have carefully studied the Examiner's rejections, and have responded accordingly.

Claims 1-11 stand rejected under the judicially created doctrine of double patenting. Independent claim 1 is amended herein to distinguish over the claims of US Patent No. 6,158,184. Claims 2-11 are dependent on claim 1.

Applicant presents for the examiners consideration Fig. 1A, 1B, 2A and 2B. The figures were inadvertantly omitted from the original filing. The proposed figures are supported by paragraphs [0022] and [0023] in the specification as filed and to the originally filed claims. No new matter is added by the proposed drawings.

The text describing Fig 12 has been amended by this action.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters 412 and 414 had been used to designate both horizontal spacers and first and second

side members. Paragraph 34 is amended by this action to correct the apparent multiple uses of designators 412 and 414 to be consistent with Fig 10.

The disclosure stands objected to because of informalities in paragraph [0001]. Paragraph [0001] is amended by this action to remove the informalities.

The specification is objected to as failing to provide proper antecedent basis for "lateral force resisting member" of claim 3, as well as "load points" "linear patterns" and "parallel linear patterns" of claims 8-11.

Paragraph [0022] includes support for "lateral force resisting member" at line 9, and for "load points" at line 15-16 and "linear patterns" and "parallel linear patterns" at lines 18-20.

Claims 2 and 4 stand rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. Claim 2 has been amended to be consistent with the language of amended claim 1.

2, The examiner requested clarification of how the horizontal and vertical elements of claim 4 may be perpendicular and coplaner simultaneously. The vertical side members are analogous to vertical lines having only one significant dimension, length. The horizontal spacing members are analogous to horizontal lines having only one significant dimension, length. A plane is an infinite two dimensional surface in which two or more single dimensional elements, lines, may coexist, and may be perpendicular to each other within the plane.

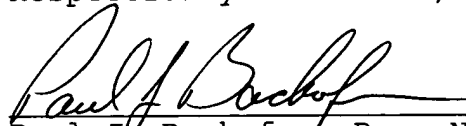
Claims 1-10 stand rejected under 35 USC § 102(b) as being anticipated by 5,706,626 to Mueller. Claim 1 has been amended

by this action to add load points for controlling ductility as discussed in paragraph [0022] at lines 14-25. The two load points referenced by the examiner in 5,706,626 to Mueller are not elements of the Mueller panel but forces applied to top plates 162 of wall 168. Mueller does not teach or suggest controlling the ductile response of a metal panel by providing load points in a panel to "cause material M surrounding load points ... to absorb lateral loading and deform". *Not claimed.*

Claim 11 stands rejected under 35 USC § 103(a) as being unpatentable over 5,706,626 to Mueller. The two load points referenced by the examiner in 5,706,626 to Mueller are not elements of the Mueller panel but forces applied to top plates 162 of wall 168. Mueller does not teach or suggest controlling the ductile response of a metal panel by providing load points in a panel to "cause material M surrounding load points ... to absorb lateral loading and deform".

Applicant respectfully requests that the Examiner consider the claims, allow the claims, and pass this case to issue.

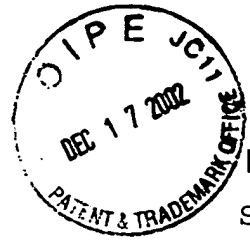
Respectfully Submitted,



Paul J. Backofen, Reg. No. 42,278

IRELL & MANELLA LLP

1800 Avenue of the Stars, Suite 900
Los Angeles, CA 90067-4276
(310) 277-1010 Telephone
(310) 203-7199 Facsimile



CORRECTED TEXT MARKED TO SHOW CHANGES

[0001] This application is a continuation-in-part of United States patent application Serial No. [09/067,030] 09/697,030 filed 10/25/00 now abandoned, which is a continuation of United States patent application Serial No. 09/060,930 filed 4/14/98, now U.S. Patent No. 6,158,184, which claims the priority of United States provisional patent application Serial No. 60/043,835 filed 4/14/97.

Fig. 12 is an exploded perspective view of the foundation bolt placement template of Fig.'s [7] 11(a)-(c) showing the installation.

[0034] Rigid structural panel 400 may include a plurality of horizontal spacing members such as horizontal spacing members 412, 414 and 472. The addition of horizontal spacing members 412, 414 and 472 simplifies the fabrication of the rigid structural panel by bracing first and second side members 424 and 428 and vertical supports 402 and 476 during fabrication. The horizontal dimension of a rigid structural panel is more consistent using horizontal spacing members 412, 414 and 472, because a bow in first side member [412] 424, or in second side member [414] 428, or in vertical support 402 or 476 may be removed during fabrication. Horizontal spacing members may be included and secured as shown in Fig. 7.

AMENDED CLAIMS MARKED TO SHOW CHANGES

1. (Once Amended) An apparatus comprising:

a [rigid] structural panel having an outside edge and a plurality of holdown attachment points on the outside edge of the structural panel;

a plurality of load points in the structural panel to control the ductility of the structural panel;

a plurality of foundation bolts for embedding in a foundation or slab or stem wall and

a foundation bolt placement template for defining a mounting location for the structural panel, and locating and supporting the foundation bolts during fabrication of the foundation or slab or stem wall; and

means for attaching the structural panel holdown attachment points to the foundation bolts for transferring the lateral forces applied to the structural panel to the foundation or slab or stem wall.

2. (Once Amended) The apparatus of claim 1 wherein the means for [securing] attaching the structural panel to the foundation bolts further comprises:

a plurality of holdowns for transferring the shear forces developed in the structural frame to the foundation bolts, each holdown attached to at least one holdown attachment point, each holdown securing the structural panel to a foundation bolt.

3. (Once Amended) The apparatus of claim 1 wherein the structural panel further comprises:

a [rigid,] generally rectangular structural frame having two coplanar vertical side members connected by two or more coplanar horizontal members forming a generally rectangular opening therebetween, each vertical side member having an inside surface and an outside surface;

a plurality of holdown attachment points on each vertical side member; [and]

one or more lateral force resisting members connected to the structural frame to resist lateral forces applied to the structural frame; and

a plurality of load points^{//} in the one or more lateral force resisting members to control the ductility of the structural panel.

9. (Once Amended) The apparatus of claim 1 [8] wherein the plurality of load points are arranged in a pattern.